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## Supplemental Declaration for Patent Application

Docket Number: 1735.0290002/RWE

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Novel Fluorogenic or Fluorescent Reporter Molecules and Their Applications for Whole-Cell Fluorescence Screening Assays for Caspases and Other Enzymes and the Use Thereof, the specification of which is attached hereto unless the following box is checked:

was filed on October 9, 1998 ;  
as United States Application Number or PCT International Application Number 09/168,888 ; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)	Priority Claimed
<u>(Application No.)</u>	<u>(Country)</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <u>(Day/Month/Year Filed)</u>
<u>(Application No.)</u>	<u>(Country)</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <u>(Day/Month/Year Filed)</u>

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>60/061,582</u> (Application No.)	<u>October 10, 1997</u> (Filing Date)
<u>60/145,746</u> (Application No.)	<u>March 3, 1998</u> (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Status - patented, pending, abandoned)</u>
<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Status - patented, pending, abandoned)</u>

Appl. No. 09/168,888  
Docket No. 1735.0290002/RWE

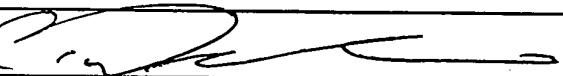
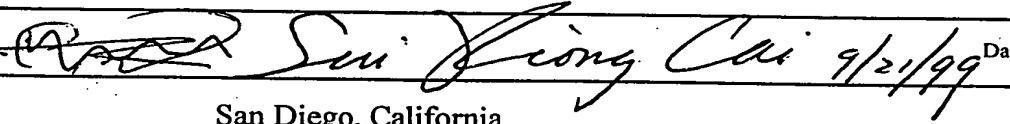
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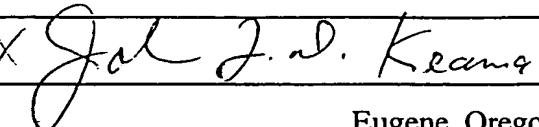
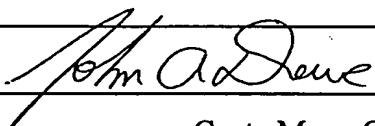
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Suite 600  
Washington, D.C. 20005-3934

**Direct Telephone Calls to:**

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Eckard Weber	
Signature of sole or first inventor		
	9-16-99 Date 	
Residence	San Diego, California	
Citizenship	USA	
Post Office Address	4040 Miller Street	
	San Diego, California 92103	
Full name of second inventor	Sui Xiong Cai	
Signature of second inventor	 9/2/99 Date 	
Residence	San Diego, California	
Citizenship	USA	
Post Office Address	3623 Berryfield Court	
	San Diego, California 92121	

Full name of third inventor	John F. W. Keana	
Signature of third inventor	 Sept 17, 1999 Date	
Residence	Eugene, Oregon	
Citizenship	USA	
Post Office Address	3854 Onyx Street	
	Eugene, Oregon 97405	
Full name of fourth inventor	John A. Drewe	
Signature of fourth inventor	 9-16-99 Date	
Residence	Costa Mesa, California	
Citizenship	USA	
Post Office Address	2175 Pacific Avenue, B-4	
	Costa Mesa, California 92627	
Full name of fifth inventor	Han-Zhong Zhang	
Signature of fifth inventor	 9-21-99 Date	
Residence	Irvine, California	
Citizenship	China	
Post Office Address	3800 Parkview Lane, No. 336	
	Irvine, California 92612	

**Supplemental Declaration for Patent Application**

As a below named inventor, I hereby declare that:

Docket Number: 1735-0290005/RWE

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Novel Fluorogenic or Fluorescent Reporter Molecules and Their Applications for Whole-Cell Fluorescence Screening Assays for Caspases and Other Enzymes and the Use Thereof, the specification of which is attached hereto unless the following box is checked:

was filed on September 7, 2001;  
as United States Application Number or PCT International Application Number 09/947,387.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)	Priority Claimed		
(Application No.)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/061,582 October 10, 1997  
(Application No.) (Filing Date)

60/145,746 March 3, 1998  
(Application No.) (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.

Appl. No. 09/947,387  
Docket No. 1735.0290005/RWESuite 600  
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Eckard Weber
Signature of sole or first inventor Date	
Residence	San Diego, California
Citizenship	USA
Post Office Address	4040 Miller Street
	San Diego, California 92103
Full name of second inventor	Sui Xiong Cai
Signature of second inventor Date	
Residence	San Diego, California
Citizenship	USA
Post Office Address	3623 Berryfield Court
	San Diego, California 92121

Appl. No. 09/947,387  
Docket No. 1735.0290005/RWB

Full name of third inventor	John F.W. Keana
Signature of third inventor	Date
Residence	Eugene, Oregon
Citizenship	USA
Post Office Address	3854 Onyx Street
	Eugene, Oregon 97405
Full name of fourth inventor	John A. Drewe
Signature of fourth inventor	Date
Residence	Costa Mesa, California
Citizenship	USA
Post Office Address	2175 Pacific Avenue, B-4
	Costa Mesa, California 92627
Full name of fifth inventor	Han-Zhong Zhang
Signature of fifth inventor	Date
Residence	San Diego, California
Citizenship	USA
Post Office Address	12683 Ragweed Street
	San Diego, California 92129

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(Supply similar information and signature for subsequent joint inventors, if any)

## POWER OF ATTORNEY FROM ASSIGNEE

Cytovia, Inc., a corporation of Delaware, having a principal place of business at 201 Technology Drive, Irvine, California 92618, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on 10 October 9, 1998 of an invention known as Novel Fluorogenic or Fluorescent Reporter Molecules and Their Applications for Whole-Cell Fluorescence Screening Assays for Caspases and Other Enzymes and the Use Thereof (Attorney Docket No. 1735.0290002/RWB), which is disclosed and claimed in a patent application of the same title by the inventor(s) Eckard Weber, Sui Xiong Cai, John F.W. Keana, John A. Drewe and Han-Zhong Zhang (said application filed on (herewith) at the U.S. Patent and Trademark Office, having Application Number (to be assigned)).

The Assignee hereby appoints the following U.S. attorneys to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith: Robert Greene Sterne, Registration No. 28,912; Edward J. Kessler, Registration No. 25,688; Jorge A. Goldstein, Registration No. 29,021; Samuel L. Fox, Registration No. 30,353; David K.S. Cornwell, Registration No. 31,944; Robert W. Esmond, Registration No. 32,893; Tracy-Gene G. Durkin, Registration No. 32,831; Michele A. Cimbala, Registration No. 33,851; Michael B. Ray, Registration No. 33,997; Robert B. Sokohl, Registration No. 36,013; Eric K. Steffe, Registration No. 36,688, and Michael Q. Lee, Registration No. 35,239. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

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Washington, D.C. 20005-3934  
U.S.A.

Direct phone calls to 202-371-2600.

FOR: Cytovia, Inc.

SIGNATURE: Eckard Weber

BY: Eckard Weber

TITLE: President & CEO

DATE: 10 - 9 - 98